

1869-008 Chancery Causes: Addiah Quinley & wife &c vs. Jeremiah Burges & wife &c
Lee Co.

Clifton, Wheeler

1 Plat

CA - Estate Dispute
T - Property

-Seed

To the Worshipful County Court of Lee County
in Chancery Sitting:

The Bill of Complaint of Addiah Quinly
and Letha Quinly his wife who sue in their own
right and Caleb Quinly and Nancy Quinly his
wife who sue in their own right and John Clifton
who sues in his own right and Alexander Clifton
who sues by the said Addiah Quinly his guardian
and next friend and Simpson Burgan and Nancy
Ann Burgan his wife Willoughby Clifton, John Albert
Clifton, Sarah E. Clifton and Eliza J. Clifton minors
under the age of 21 years who have no guardian and
who sue by Addiah Quinly their next friend,
and the said Simpson Burgan and Nancy Ann his wife who also sue in their own right
Respectfully represents to your worshipful Court

that Austin Clifton deceased late of Lee County Vir-
ginia departed this life on the 22nd day of Decem-
ber 1868 without making any disposition of his
Estate by will or otherwise leaving a considerable
real estate consisting of several Tracts of land
lying and being on the waters of Trading Creek
in Lee County Virginia amounting in the aggregate
to about three hundred acres more or less and
of the value of about dollars on which
tract of land there are several improvements and
a valuable Grist and Saw mills. The said Austin
Clifton also left at his death about dollars
worth of personal property and did not owe
more than ten or twelve dollars so that no
part of his real estate will have to be charged
with the payment of the said Austin Clifton
deceased's debts.

The said Austin Clifton left
at his death the following children to wit
The said Letha Quinly Nancy Quinly John
Clifton and Alexander Clifton and Ann Burgan
who intermarried with one Jeremiah Burgan

and Delila Wheeler who intermarried with one David D. Wheeler and Noah Clifton all of whom are now living and the said Austin Clifton decd. had a son William Clifton who died before his father leaving the following children to wit Nancy Ann Burgan who has intermarried with one Simpson Burgan but both of whom are under the age of 21 years and Willoughby Clifton, John Albert Clifton Sarah C. Clifton and Eliza J. Clifton who are also under the age of 21 years and who are part of the plaintiffs in this suit. The said Austin Clifton deceased left at his death a widow Eliza Clifton who is still living at his late residence.

It will be seen that the real estate of the said Austin Clifton decd is liable to be divided into eight shares of which the said parties are all entitled to one share except the minor children of William Clifton deceased who are all entitled to one share jointly. The said Eliza Clifton widow of Austin Clifton deceased is entitled to her dower in all the lands of the said decedent which has not yet been assigned to her.

Now the object of this Bill is to obtain a partition of all the lands of the said Austin Clifton deceased and to assign the widow Eliza Clifton her dower in the said lands according to quality and quantity and the respective rights and interests of the parties concerned.

The prayer of your Orator therefore is that the said Jeremiah Burgan and Ann Burgan his wife and Eliza Clifton widow of Austin Clifton decd. and Noah Clifton and David D. Wheeler and Delila Wheeler his wife be made the parties defendant to this bill and answer the same upon their oaths and that Commissioners be appointed by the Court

to lay off and assign to the widow Eliza her dower in said lands and to make partition of the said lands according to quality and quantity among the parties interested according to their respective interests in the same and report their assignment and partition to Court and such other and general relief be extended to your Orators as may be consistent with equity and justice and best suited to their case;

May the Commonwealth's writ of Spa. issue &c.

Miller
for Compts.

m

Adeliah Quinley
& wife & others
vs. Bill in Chancery
Jeremiah Burgan &
wife & others

1867. March. Bill Filed & Ans.
Exp. & Decree Nisi & Contd.
April Decree Nisi Contd.
May - Cause set for hearing
by the Plaintiffs
May. Decree for Partition
June. Contd. July. Contd.
Aug. Contd. (Sep.) Contd.
Oct. Decree Final & Termined
Nov. Decree Final

612 22
at 5.00
Covers 16.00
33.22

Addiah Quinly & wife & others.

vs

Jeremiah Burgan & wife & others

} Decree final

This Cause Came on this day again to be heard upon the papers formerly read in this Cause and the report of Eli Davis John C. Harris and Alexander C. McNeill Comrs. appointed by a former decree of this Court to make partition of the lands in the bill mentioned among the parties entitled thereto and they having made the partition and assigned to the parties their shares and filed their report of the plat and partition in the County Court Clerks office more than thirty days before this term of the Court and no exceptions having been filed thereto it therefore adjudged ordered and decreed that the said report is confirmed and is ordered to be admitted to record and the plaintiffs recover of the defendants the Costs of this Suit and the Costs of partition and the Cause is Stricken from the docket

Addiah Quinley &
wife & others

vs. Decree final

Jeremiah Brangan &
wife & others

Virginia

at a Court Continued and Held for
Lee County Virginia at the Courthouse
thereof on Friday the 21st day of May 1869,
Addiah Quinly and wife & others

against
Jeremiah Burgan and wife & others

} Decree in Chy.

This Cause came on this day to be heard
upon the Bill of Complaint and exhibits filed
in this Cause and was argued by Counsel, and
it appearing to the Court that the Defendants
in this Cause were all duly summoned to answer
these Complainants bill more than two months
before this term of the Court and this Cause
has been regularly matured at rules and reg-
ularly set for hearing and the said Defendants
having still failed to answer the Complainants
bill it is therefore taken for Confessed as to them
and it further appearing that the Complainants
and defendants are entitled by descent as heirs
of Austin Clifton deceased to his lands lying
and being in Lee County Virginia and that no
part of the Decedents lands will be required
for the payment of the decedents debts, and
it further appearing to the Court that the
said Decedent left a widow Eliza Clifton
who is entitled to Dower in said lands
which has never been assigned to her.

It is therefore adjudged ordered and
decreed by the Court that Eli Davis John C.
Harris and Alexander C. McNeil be and are
hereby appointed Commissioners to lay off
and assign to the widow Eliza Clifton her
Dower in said lands and to make partition
of the said lands amongst the heirs en-
titled to the same according to their respective

rights and interests in the same, that is to say: To the widow Eliza Clifton the one third part of all the real estate according to quality and quantity for her dower during her natural life, and to the Complainants Letha Guinley, Nancy Guinley, John Clifton and Alexander Clifton and Defendant Delila Wheeler each the one eighth part of said Austin Clifton's real estate according to quality and quantity and to the Defendant Noah Clifton who has purchased the share of Jeremiah Burgan and Ann his wife, two eighths of said real estate and to Nancy Ann Burgan, Willoughby Clifton, John Albert Clifton, Sarah E. Clifton and Eliza J. Clifton the one eighth part of the real estate quality and quantity considered so that each share taking into consideration the quality and quantity of land and improvements thereon may be of equal value. And the Court doth further order adjudge and decree that if partition cannot be conveniently made the said Commissioners may allot the land and appurtenances to any parties who will accept the same, and pay therefor to the other parties such sums of money as their interest therein may entitle them to receive. And if the parties or any two or more of them if they elect may have their shares laid off together. And the said Commissioners are required to report to Court the assignment and partition they may make

to Court and the Complainants recover of the Defendants the costs of this suit and the cause is continued until the next term.

A Copy Teste

J B West D.C.

Addiak Givnly &
wife and others
vs. Decree in Chancery

Jeremiah Burgan &
wife and others

A. True Copy

Addiah Quinly and wife & others }
against } Decree in Chy.
Jeremiah Burgan and wife & others }

This Cause came on this day to be heard upon the Bill of Complaint and exhibits filed in this Cause and was argued by Counsel, and it appearing to the Court that the Defendants in this Cause were all duly Summoned to answer these Complainants' Bill more than two months before this term of the Court and this Cause has been regularly matured at rules and regularly set for hearing and the said Defendants having still failed to answer the Complainants Bill it is therefore taken for Confessed as to them And it further appearing that the Complainants and defendants are entitled by descent as heirs of Austin Clifton deceased to his lands lying and being in Lee County Virginia and that no part of the decedents lands will be required for the payment of the decedents debts And it further appearing to the Court that the said Decedent left a widow Eliza Clifton who is entitled to Dower in said lands which has never been assigned to her: It is therefore adjudged ordered and decreed by the Court that Eli Davis, ^{John C. Harris} ~~Charles C. Blankenship~~ ^{Edward} ~~Snodgrass~~ and Alexander C. McNeill be and are hereby appointed Commissioners to lay off and assign to the widow Eliza Clifton her Dower in said lands and to make partition of the said lands amongst the heirs entitled to the same according to their respective rights and interests in the same that is to say To the widow Eliza Clifton the one third part of all the real estate according to quality

~~and annual rental value~~ during her natural life)
and Quantity ^{for her Dowry} and to the Complainants Letha
Quinly, Nancy Quinly, John Clifton and Alexander
Clifton and Defendants ~~Ann Burgan Noah~~
~~Clifton and Delila Wheeler~~ each the one eighth
part of Said Austin Clifton's real estate according
to quality and Quantity and to the ^{Defendant Noah} ~~Complainants wife~~
Clifton who has purchased the share of ~~Ann Burgan~~ ^{and her three}
and to Nancy Ann Burgan ~~Wheeler~~ by Clifton John Albert
Clifton, Sarah E. Clifton and Eliza J. Clifton the
one eighth part of the real estate Quality and
Quantity Considered so that each share taking in
consideration the quality and quantity of land and
improvements thereon may be of equal value.

Said real estate

And the Court doth further order adjudge and
decree that if partition cannot be conveniently
made the Said Commissioners may allot the land
and appurtenances to any parties who will accept
the same and pay therefor to the other parties
such sums of money as their interest therein
may entitle them to receive. And if the parties
or any two or more of them if they elect may
have their shares laid off together and the
Said Commissioners are required to report to Court
the assignment and partition they may make
to Court and the Complainants recover of the
defendants the costs of this suit and the Cause
is continued until the next term.

Entered for 4234

Adiah Lindy v. *et al.*

vs. { Commissioners Report
3

Jeremiah Burghin & others.

Filed August 16th 1869.

John B. West, D.C.

Pursuant to an order of the County Court dated on the 21st day of May 1869. We whose names are herunto subscribed proceeded on the 19th day of July 1869 to divide and assign to the heirs of Austin Clifton the lands of which he died seized and possessed and beg leave to report:

First we assigned to the widow Eliza Clifton during her natural life time the 6th Lot represented by the Figure a. b. c. d. e. f. g. h. i. j. k. l. m. n. o. p. q. r. which is bounded as follows Beginning at a water oak on the E. bank of Trading Creek and running thence N. 82 $\frac{1}{2}$ E. 47 poles to a gum & black oak; thence N. 86 E. 43 poles to a rock in J. Snodgrass' line & with the same N. 12 E. 49 poles to a rock; thence leaving said line west 89 poles to a beech & dogwood; thence South 18 poles to a white oak; thence South 18 $\frac{1}{2}$ East 19 $\frac{1}{2}$ poles to a rock; thence S. 85 W. 31 poles crossing the creek below the Mill to a small walnut; thence N. 77 W. 23 poles to a rock in a lane; thence N. 53 W. 16 poles to a hickory; thence S. 86 $\frac{1}{2}$ W. 17 poles to a maple in a hollow; thence South 112 poles to a beech & hickory; thence East 73 poles to a water oak on the E. bank of the Creek thence N. 3 W. 81 $\frac{1}{2}$ poles to the beginning. Estimated to contain 6.9 acres. This Lot is to belong to the said Eliza Clifton untill her Death. And after that time it is assigned to Delila Wheeler as her interest in ~~the~~ said Austin Clifton's real estate. Secondly we have assigned to John Clifton Alexander Clifton and Noah Clifton two Lots. The third and fifth lots.

The third represented on the plat by the Figure f. g. h. i. j. k. l. m. n. o. p. q. r. and is bounded as follows. Beginning at a sugar tree and beech corner to

Clifton's land & running thence N. 25 W. 108 poles to a white walnut; thence N. 21 $\frac{1}{2}$ W. 20 poles to a Chinguepin oak on the E. bank of the Creek; thence crossing the Creek N. 72 W. 28 poles to a poplar; thence S. 5 W. 77 poles to a small white walnut; thence East 38 poles to a beech on the E. bank of the Creek; and down the same to a white oak & small beech on the E. bank of the same; thence crossing the Creek East 58 poles to the beginning. Estimated to contain 30 Acres. This Lot includes an acre of land which is excepted being Church property previously conveyed. The other Lot which we have assigned to the said John Clifton Alexander Clifton and Noah Clifton is marked No. 5 on the plat and is represented by Figure x. y. z. u. v. w. x. y. z. and is bounded as follows to wit:

Beginning at a large rock in a field & running thence S. 3 W. 19 poles to a rock in a lane; thence S. 77 E. 5 poles to a small walnut corner to the widows Dower and with lines thereof N. 85 E. 31 poles to a rock; thence N. 18 $\frac{1}{2}$ W. 19 $\frac{1}{2}$ poles to a white oak thence North 18 poles to a beech and dogwood; thence leaving said lines S. 56 $\frac{1}{2}$ W. 34 poles to the beginning. Estimated to contain 5 acres. and including the machinery. These two lots with their improvements we consider equal in value to four shares in the whole real estate and have assigned to the said John Clifton and Alexander Clifton each one fourth part of the two last lots abovementioned and to the said Noah Clifton two fourths of the same.

One fourth being the share he purchased of Jeremiah Burgan and Ann his wife and considered equal in value to $\frac{1}{4}$ of all the real estate.

Thirdly we have assigned to Nancy Ann Borgan, Willoughby Clifton, John Albert Clifton, Sarah E. Clifton and Eliza J. Clifton the 4th. lot represented on the plat by Figure. f. g. h. i. k. l. m. n. o. p. q. r. s. t. u. v. w. x. y. z. and bounded as follows Beginning at a sugar tree and small beech corner to Eliotts' land and running thence west 58 poles to a white Oak & small beech on the E. bank of the Creek; thence up the Creek to a beech on the same bank; thence west 38 poles to a small white walnut; thence S. 5 $^{\circ}$ W. 38 poles to 2 gums and a black Oak; thence S. 71 $^{\circ}$ W. 18 $\frac{1}{2}$ poles to a white Oak & gum; thence S. 3 $^{\circ}$ W. 57 poles to a beech; thence S. 86 $\frac{1}{2}$ $^{\circ}$ W. 8 $\frac{1}{2}$ poles to a hickory corner to the widows' Dower & with lines thereof S. 53 $^{\circ}$ E. 16 poles to a rock in a lane; S. 77 $^{\circ}$ E. 18 to a rock N. 3 $^{\circ}$ E. 19 poles to a large rock in a field; thence N. 36 $\frac{1}{2}$ $^{\circ}$ E. 34 poles crossing the Mill Dam to a beech & dogwood; thence East 89 poles to a rock on Snodgrass' line & with the same N. 12 $^{\circ}$ E. 121 poles to a rock in Eliotts line & with the same S. 36 $^{\circ}$ W. to the beginning Estimated to contain 56 Acres.

Fourthly we have allotted to Letha Quinley the wife of Addiah Quinley one half of another tract marked no. 1 on the plat and represented by the figure 1. 10. 11. 6. 7. 8. 9. 1 and bounded as follows to wit.

Beginning at a white oak on Eliotts' line & running thence N. 84 $^{\circ}$ E. 24 poles passing through the middle of a Spring to a rock; thence N. 45 $^{\circ}$ E. 28 poles to a rock in a field; thence N. 62 $^{\circ}$ E. 193 $\frac{1}{2}$ poles to a dogwood thence N. 27 $\frac{1}{2}$ $^{\circ}$ E. 12 poles to a chestnut; thence N. 33 $\frac{1}{2}$ $^{\circ}$ W. 22 poles to a small dogwood; thence S. 65 $^{\circ}$ W. 240 poles to a chestnut thence S. 15 $\frac{1}{2}$ $^{\circ}$ E. 44 poles to the beginning. Estimated to contain 55 acres, and including the dwelling

house where the said Addiah & Quinley now resides.
Fourthly,

We have assigned to Nancy Quinley the Lot marked
No. 2 on the plat and represented by figure 1, 2, 3, 4, 5
6, 11, 10, 1 And bounded as follows: to wit
Beginning at a white Oak on Elliotts' line & running
thence with the said S. 15 $\frac{1}{2}$ E. 22 $\frac{1}{2}$ poles to a white Oak
thence N. 67 $\frac{1}{2}$ E. 45 poles to 3 bushes two black oaks & a
white oak; thence S. 73 $\frac{1}{2}$ E. 27 poles to a large chestnut
thence N. 63 $\frac{1}{2}$ E. 108 poles to a black Oak; thence N. 27 $\frac{1}{2}$ E.
90 poles to a dogwood corner to Letha Quinleys lot &
with line thereof S. 62 m. 193 $\frac{1}{2}$ poles to a rock in a
field; thence S. 45 m. 28 poles to a rock; thence S. 84 m.
24 poles passing through the middle of a spring.
to the beginning. Estimated to contain 49 Acs.
This Lot includes the dwelling house where Calib
Quinley and wife now reside.

Thus we have assigned the two tracts of land
belonging to the Estate of Austin Clifton dec'd.
But it is to be clearly understood that all the
heirs or owners of the 3rd. 4th. 5th. and 6th.
lots upon Trading Creek and to have free and equal
rights to the Spring at the Mill as that is the
most convenient good water they can get.

And the owners of the 3rd. and 5th. lots are to
have the undisturbed privilege of raising the
water of the mill dam if necessary to carry on
their machinery or any other privilege required
to give effect to their machinery.

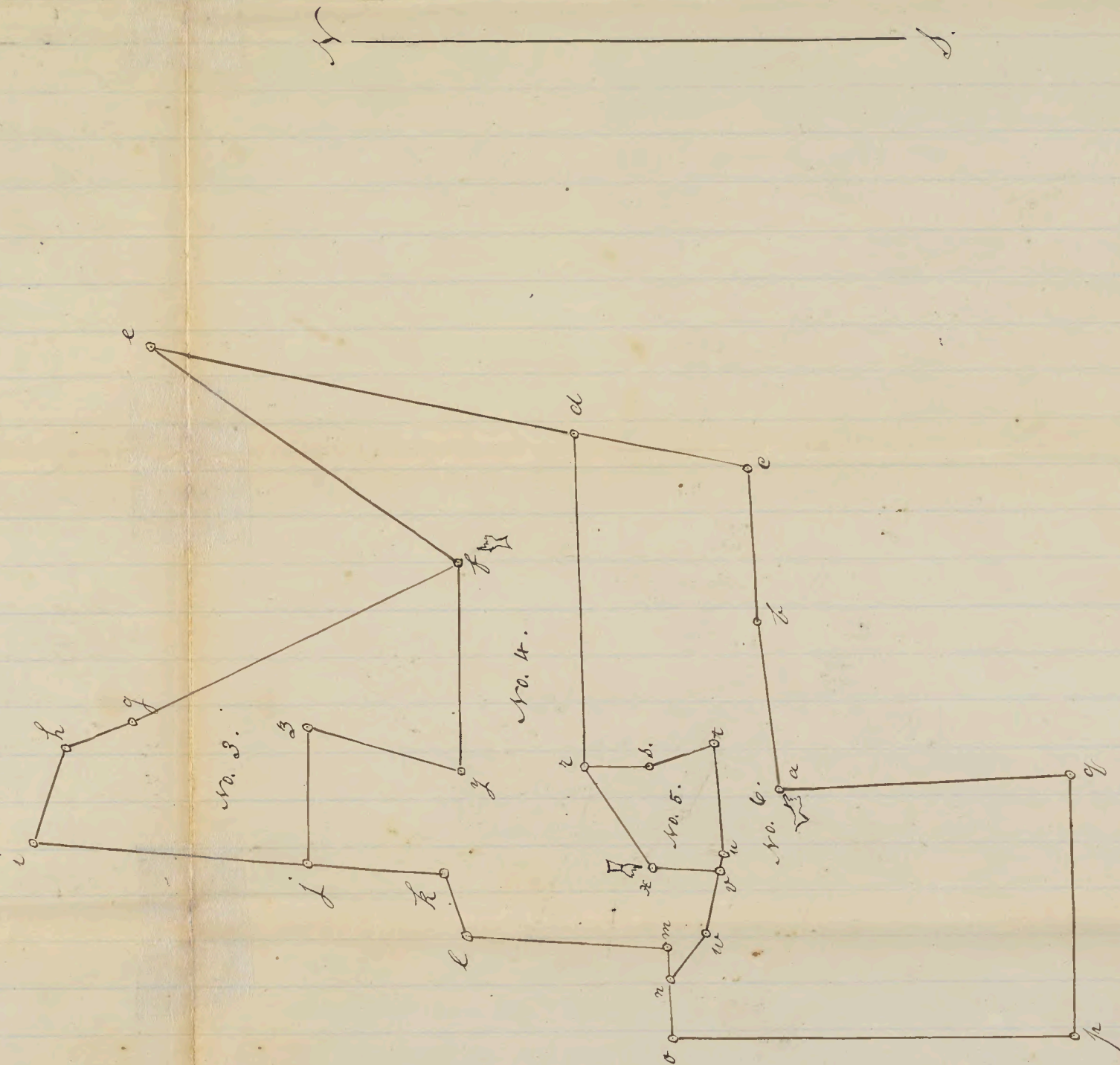
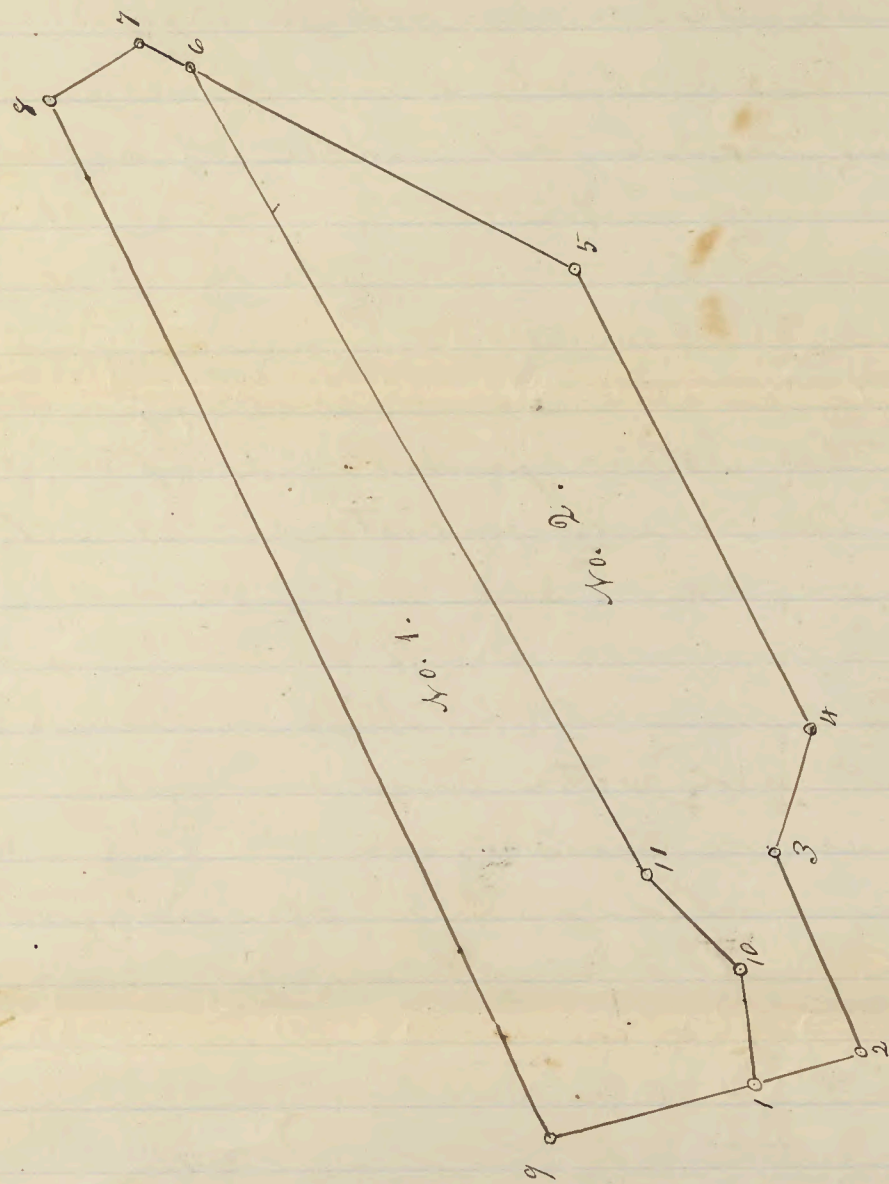
Respectfully submitted July the 26th. 1869.

Eli Davis.

John C. Harris

A. C. McKel

Commissioners.



Commissioners' fees.

Eli Davis $4\frac{1}{2}$ days	\$ 9.00	paid
John C. Harris $3\frac{1}{2}$ days.	3.51	
Alexander C. McNeil $3\frac{1}{2}$ do.	<u>3.57</u>	
Total.	\$ 16	



This Deed made the 12th day of May 1869. between Jeremiah Burgin and Annanias Burgin his wife formerly Annanias Clifton of the first part, and Noah Clifton of the second part. all of the county of Lee and State of Virginia, Witnesseth that said Burgin and wife, for and in consideration of the Sum of One hundred and fifty dollars in hand paid, and secured to be paid by the said Noah Clifton the receipt whereof is hereby acknowledged. do by these presents bargain sell deliver and convey unto said Clifton all our undivided right title and interest in the real estate of which Austin Clifton died seized and possessed, lying and being in the county of Lee on both sides of Trading creek, including our undivided interest in the Mills Situated and built thereon. To have and to hold the said undivided interest in said real estate and the Mills Situated thereon with all the appurtenances thereunto belonging unto the said Noah Clifton and his heirs forever. And the said Jeremiah Burgin and Annanias his wife do covenants with said Noah Clifton that they will warrant generally the undivided interest in said real estate and Mills as aforesaid hereby conveyed. Witness the following Signatures and Seals

Jeremiah ^{his} Burgin (Seal)
Annanias ^{her} Burgin (Seal)
marks

Virginia Lee County to wit

We Andrew Milburne and Joseph H. Bundy Justices of the peace in and for the county and State aforesaid do certify that Jeremiah Burgin whose name is Signed to the foregoing deed bearing date the 12th day of May 1869. has acknowledged the same before us in our county aforesaid. And Annanias Burgin wife of said Jeremiah whose name is likewise Signed to said deed dated as aforesaid personally appeared before us, and being examined

by us privately and apart from her said husband and
having the deed aforesaid ^{read to her} fully explained, she ~~acknowledges~~ the
said Annanias Burgin acknowledged the said writing to
be her act, and declared that she had willingly executed
the same, and does not wish to retract it, Given under
our hands this 12th day of May 1869.

Andrew Mitchell Seal

Joseph H. Bundy J.P. Seal

Lee County Court, Clerk's office, the 13th day of May 1869.

This Indenture of bargain and sale for land between
Jeremiah Burgin, and Annanias, his wife, of the one
part; and Noah Heliftor, of the other part; being
duly stamped, is admitted to record upon the certifi-
cate of two Justices of the Peace in and for Lee County, State
of Virginia.

Teste - John B. West, D. Clerk

O.B. 402

Noah Clifton

From { Deed
3

Jeremiah Burgin
+ wife

Recorded in Deed
Book No 15 p 692-3
Lect. J. B. West D.C.

Has all made out.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING :

WE COMMAND YOU TO SUMMON *Jeremiah Borgan and Ann Borgan*
his wife, Eliza Clifton widow of Austin Clifton deceased,
Noah Clifton, and David L. Wheeler and Delila
Wheeler his wife

to appear before the ~~Judge of our Circuit~~ ^{Justices of our county} Court for Lee county, at the Court House, in
the Clerk's Office, at Rules to be holden for the said Court, on the *first* Monday
in *March* next, to answer a Bill in Chancery exhibited in our said Court

against *them* by *Addiah Quinley and Letha Quinley his wife*
who sue in their own right, and Caleb Quinley and Nancy Quinley
his wife and John Clifton who sue in their own rights, and Alexander
Clifton a minor under the age of 21 years who sues by the said Addiah
Quinley his guardian and next friend, and Simpson Borgan and Maryann
Borgan his wife, Welloughby Clifton, John Albert Clifton Sarah E. Clifton
and Eliza J. Clifton minors under the age of 21 years who have no guardian
and who sue by the said Addiah Quinley their next friend, and the said Simpson
Borgan and Nancy Ann Borgan his wife who also sue in their own names
And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said

Court, at the Court House, this *20th* day of *February* 1869, in
the *93rd* year of the Commonwealth.

Henry J. Morgan Clerk.

We the undersigned parties defendant in the within summons
in the Cause of Addiah Quincy & wife and others against us do
hereby accept the legal service of this summons and hereby
waive all further service of the same on this 20th day of
February 1869.

Jary ^{his} Borgan

Mary ^{her} Borgan

Elizabeth ^{her} Clifton

Noah ^{her} Clifton

David S. Wheeler

Felicia ^{her} Wheeler

Attain Quindipal

as 3 Marvin Esq

Jenniah Borgan to the

Much Bulo 1869